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STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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BY [Signature] ANALYST

10 BEFORE THE
11 MEDICAL BOARD OF CALIFORNIA
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation Against:

Case No. 800-2017-035844

15 **Ronald David Richmond, M.D.**
26991 Crown Valley Parkway
16 Mission Viejo, California 92691-6528

ACCUSATION

17 **Physician's and Surgeon's Certificate**
18 **No. G74763,**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs.

25 2. On or about July 23, 1992, the Medical Board issued Physician's and Surgeon's
26 Certificate No. G74763 to Ronald David Richmond, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on July 31, 2020, unless renewed.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded which may include a requirement that the licensee complete relevant educational courses, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states, in relevant part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“ ...”

6. Unprofessional conduct under section 2234 of the Code is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.).

7. Section 2242 of the Code states:

“(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in

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1 Section 4022 without an appropriate prior examination and a medical indication,
2 constitutes unprofessional conduct.

3 “(b) No licensee shall be found to have committed unprofessional conduct
4 within the meaning of this section if, at the time the drugs were prescribed,
5 dispensed, or furnished, any of the following applies:

6 “(1) The licensee was a designated physician and surgeon or podiatrist serving
7 in the absence of the patient’s physician and surgeon or podiatrist, as the case may
8 be, and if the drugs were prescribed, dispensed, or furnished only as necessary to
9 maintain the patient until the return of his or her practitioner, but in any case no
10 longer than 72 hours.

11 “(2) The licensee transmitted the order for the drugs to a registered nurse or to
12 a licensed vocational nurse in an inpatient facility, and if both of the following
13 conditions exist:

14 “(A) The practitioner had consulted with the registered nurse or licensed
15 vocational nurse who had reviewed the patient’s records.

16 “(B) The practitioner was designated as the practitioner to serve in the absence
17 of the patient’s physician and surgeon or podiatrist, as the case may be.

18 “(3) The licensee was a designated practitioner serving in the absence of the
19 patient’s physician and surgeon or podiatrist, as the case may be, and was in
20 possession of or had utilized the patient’s records and ordered the renewal of a
21 medically indicated prescription for an amount not exceeding the original
22 prescription in strength or amount or for more than one refill.

23 “(4) The licensee was acting in accordance with Section 120582 of the Health
24 and Safety Code.”

25 8. Section 2266 of the Code states:

26 “The failure of a physician and surgeon to maintain adequate and accurate records
27 relating to the provision of services to their patients constitutes unprofessional conduct.”

28 ////

1 9. Section 4022 of the Code states:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
3 self-use in humans or animals, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
5 without prescription,’ ‘Rx only,’ or words of similar import.

6 “(b) Any device that bears the statement: ‘Caution: federal law restricts this
7 device to sale by or on the order of a _____,’ ‘Rx only,’ or words of similar
8 import, the blank to be filled in with the designation of the practitioner licensed to
9 use or order use of the device.

10 “(c) Any other drug or device that by federal or state law can be lawfully
11 dispensed only on prescription or furnished pursuant to Section 4006.”

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 10. Respondent has subjected his Physician’s and Surgeon’s Certificate No. G74763
15 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (b),
16 of the Code, in that Respondent committed gross negligence in his care and treatment of Patient
17 A¹, as more particularly alleged hereinafter:

18 11. Between in or around 2010, through in or around 2012, Respondent saw Patient A as
19 her primary care physician.² Respondent treated Patient A for a number of medical conditions
20 including, but not limited to, chronic neck pain and insomnia. Patient A also had a long and
21 documented history of severe alcoholism.

22 12. Respondent routinely prescribed zolpidem and alprazolam to Patient A despite the
23 risks posed by prolonged use of these controlled medications including, but not limited to,
24 dependency, abuse, and addiction. Moreover, Respondent did not refer this patient for therapy or
25 other treatment modalities to address her severe alcoholism.

26 _____
27 ¹ Letters A and B are used for the purposes of maintaining patient confidentiality.

28 ² Conduct occurring more than seven (7) years from the filing date of this Accusation is
for informational purposes only and is not alleged as a basis for disciplinary action.

1 13. Respondent, notwithstanding his knowledge of Patient A's severe alcoholism, issued
2 prescriptions to this patient for zolpidem and alprazolam on multiple dates including, but not
3 limited to, November 5, 2011, November 27, 2011, December 4, 2011, December 21, 2011, and
4 January 23, 2012.

5 14. Respondent committed gross negligence in his care and treatment of Patient A
6 including, but not limited to, the following:

- 7 (a) Respondent routinely prescribed zolpidem and alprazolam without
8 referring Patient A for treatment of her alcoholism.

9 15. Between in or around 2011, through in or around 2017, Respondent routinely
10 prescribed controlled substances to family members including, his wife, daughter, son, and father.
11 Significantly, Respondent did not have a physician-patient relationship with either of these family
12 members, and he did not perform a relevant history and examination prior to prescribing them
13 controlled substances. In addition, no medical records were maintained in connection with the
14 issuance of these prescriptions documenting a proper indication and/or recording periodic
15 monitoring of the use of the controlled substances prescribed to family members by Respondent.

16 16. Respondent committed gross negligence in prescribing controlled substances to his
17 family members including, but not limited to, the following:

- 18 (a) Issuing multiple prescriptions for controlled substances to family
19 members without having a physician-patient relationship; and
20 (b) Issuing multiple prescriptions for controlled substances to family
21 members without documenting a proper indication and/or recording
22 periodic monitoring of the use of the prescriptions.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Repeated Negligent Acts)**

25 17. Respondent has further subjected his Physician's and Surgeon's Certificate No.
26 G74763 to disciplinary action under sections 2227 and 2234, as defined in section 2234,
27 subdivision (c), of the Code, in that Respondent committed repeated negligent acts in his care
28 and treatment of Patients A and B, as more particularly alleged hereinafter:

1 18. **Patient A**

2 (a) Paragraphs 10 through 14, above, are hereby incorporated by reference
3 and realleged as if fully set forth herein.

4 19. **Patient B**

5 (a) Between in or around 2010, through in or around 2012, Respondent saw
6 Patient B as his primary care physician. Respondent treated Patient B for a
7 number of medical conditions including, but not limited to, chronic back pain.

8 (b) Respondent, despite prescribing controlled substances to Patient B for
9 chronic back pain, did not document in the patient's medical record any diagnostic
10 testing, orthopedic referral(s), and/or referral(s) for physical rehabilitation.

11 20. Respondent committed repeated negligent acts in his care and treatment of
12 Patient B including, but not limited to, the following:

13 (a) Respondent failed to document in Patient B's medical record any diagnostic
14 testing, orthopedic referral(s), and/or referral(s) for physical rehabilitation.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Prescribing Dangerous Drugs Without an**
17 **Appropriate Prior Examination and/or Medical Indication)**

18 21. Respondent has further subjected his Physician's and Surgeon's Certificate
19 No. G74763 to disciplinary action under sections 2227 and 2234, as defined in sections 2242 and
20 4022, of the Code, in that Respondent prescribed, dispensed, or furnished dangerous drugs
21 without an appropriate prior examination and/or medical indication to family members including,
22 his wife, daughter, son, and father, as more particularly alleged in paragraphs 15 and 16, above,
23 which are hereby incorporated by reference and realleged as if fully set forth herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failure to Maintain Adequate and Accurate Medical Records)**

26 22. Respondent has further subjected his Physician's and Surgeon's Certificate No.
27 G74763 to disciplinary action under sections 2227 and 2234, as defined in section 2266, of the
28 Code, in that Respondent failed to maintain adequate and accurate records in connection with

1 issuing prescriptions to family members and his care and treatment of Patient B, as more
2 particularly alleged in paragraphs 15, 16, 19, and 20, above, which are hereby incorporated by
3 reference and realleged as if fully set forth herein.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

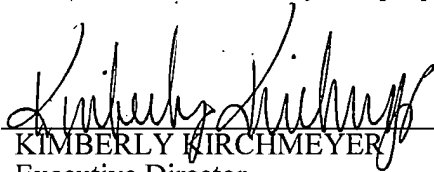
6 23. Respondent has further subjected his Physician's and Surgeon's Certificate No.
7 G74763 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has
8 engaged in conduct which breaches the rules or ethical code of the medical profession, or
9 conduct which is unbecoming to a member in good standing of the medical profession, and
10 which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs
11 10 through 22, above, which are hereby incorporated by reference and realleged as if fully set
12 forth herein.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Medical Board of California issue a decision:

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate No. G74763, issued to
17 Respondent Ronald David Richmond, M.D.;
- 18 2. Revoking, suspending or denying approval of Respondent Ronald David Richmond,
19 M.D.'s, authority to supervise physician assistants pursuant to section 3527 of the Code, and
20 advanced practice nurses;
- 21 3. Ordering Respondent Ronald David Richmond, M.D., to pay the Medical Board of
22 California the costs of probation monitoring, if placed on probation; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24
25 DATED: November 1, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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